

Pennsburg, PA and milepost 38.23 at Emmaus Jct., Emmaus, PA, a distance of 15.85 miles, in Berks, Lehigh, and Montgomery Counties, PA; (2) the Colebrookdale Industrial Track (Boyertown Branch), USRA Line No. 909, between milepost 0.00 at Colebrookdale Jct. (Pottstown, PA), to milepost 8.60 at Boyertown, PA, a distance of 8.60 miles, in Berks and Montgomery Counties, PA; and (3) the Kutztown Branch, USRA Line No. 910, between milepost 0.17 at Topton, PA, and milepost 4.29 at Kutztown, PA, a distance of 4.12 miles, in Berks County, PA.

The lines were acquired by the Commonwealth of Pennsylvania in 1982 and were formerly operated by Blue Mountain and Reading Railroad Company.¹ They connect with Consolidated Rail Corporation at Topton, Emmaus, and Pottstown, PA. EPRY has entered into three simultaneously executed 5-year agreements with Pennsylvania effective July 1, 1995 and extending to June 30, 2000. This transaction is related to a notice of exemption concurrently filed in *John C. Nolan—Continuance In Control Exemption—East Penn Railways, Inc.*, Finance Docket No. 32733.

The Commission will serve a copy of this notice on the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement, and on the American Short Line Railroad Association.

Decided: July 10, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-17329 Filed 7-13-95; 8:45 am]
BILLING CODE 7035-01-P

[Finance Docket No. 32733]

John C. Nolan—Continuance in Control Exemption—East Penn Railways, Inc.

John C. Nolan (Nolan) has filed a notice of exemption to continue in control of East Penn Railways, Inc. (EPRY), upon EPRY becoming a class III rail carrier. EPRY has concurrently filed a notice for a modified certificate of public convenience and necessity in *East Penn Railways, Inc.—Modified Rail Certificate*, Finance Docket No. 32732, to operate as a rail common carrier in Pennsylvania.

¹ See *Blue Mountain and Reading Railroad Company Modified Rail Certificate*, Finance Docket No. 30305 (Sub-No. 1) (ICC served June 13, 1990).

Nolan also owns and controls the Bristol Industrial Terminal Railway, a class III rail carrier. Nolan indicates that: (1) The properties operated by the affiliated railroads will not connect with each other; (2) the continuance in control is not a part of a series of anticipated transactions that would connect the railroads with each other or any other railroad in their corporate family; and (3) the transaction does not involve a class I carrier. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Walter A. Stapleton, 143A Green Mountain Road, Claremont, NH 03743.

Decided: July 10, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

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[Finance Docket No. 32706]

Wisconsin & Southern Railroad Co.—Lease and Operation Exemption—Soo Line Railroad Company, d/b/a CP Rail System

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, under 49 U.S.C. 10505, exempts from the requirements of 49 U.S.C. 11343-45 Wisconsin & Southern Railroad Company's lease and operation of the Lease Lines located in Milwaukee, WI and operation of non-exclusive operating rights of the OP Lines also located in Milwaukee. The Lease Lines are currently owned and operated by the Soo Line Railroad Company, d/b/a CP Rail System (CPRS). Petitioner asserts that the OP Lines are currently owned by the Chicago Milwaukee Corporation (CMC) and are operated by CPRS pursuant to an agreement between CMC and CPRS. The total trackage subject to exemption under this proceeding is 8.14 miles. The exemption is subject to standard labor protective conditions.

DATES: This exemption will be effective on August 3, 1995. Petitions to stay must be filed by July 24, 1995. Petitions to reopen must be filed by August 3, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32706 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington, DC 20423; and (2) Robert A. Wimbish, Rea, Cross & Auchincloss, Suite 420, 1920 N Street, NW, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: June 28, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,
Secretary.

[FR Doc. 95-17327 Filed 7-13-95; 8:45 am]
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[Docket No. AB-167 (Sub-No. 1148)]

Consolidated Rail Corporation—Abandonment—Between Walkers Mill and Burgettstown, in Allegheny and Washington Counties, PA

The Commission has issued a decision and certificate of interim trail use and abandonment authorizing Consolidated Rail Corporation (Conrail) to abandon its Carnegie Secondary line between milepost 11.00 at Walkers Mill, and milepost 26.70 at Burgettstown, a total of 15.7 miles in Allegheny and Washington Counties, PA. The abandonment is subject to a trail use condition, a public use condition, and standard labor protective conditions. The abandonment certificate will become effective on August 13, 1995, unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.